

REMARKS

The Examiner indicated that claims 41 and 42 were allowable if rewritten in an independent form. These claims were so amended and, accordingly, these claims should be allowed. Claims 45 to 67, added by this amendment, correspond to previously amended and canceled claims 20 to 40 and 43 to 44.

The primary prior art is Tanimoto, et al.

When considering the application of the claims to Tanimoto, it has to be remembered that the claims are directed to a monitoring system whereas Tanimoto is not.

Tanimoto discloses an optical transmission characteristic measuring instrument that has a tunable wavelength source 1 and a tunable wavelength spectroscope 6, both being tuned to the same wavelength at the same time. At the optical input section 4 the received light from a device under test 15 or a reference source of known wavelength 22 is input to an attenuator 5, the tunable wavelength spectroscope, a light detector 7 and an A/D converter 8 in sequence to provide digital data to a processor 12 which also controls the respective wavelengths of the source and spectroscope in response to key inputs 9. Since the input light to the spectroscope is at the same wavelength as the source, the spectroscope does not act as a converting means to filter or convert a portion of an DWDM multi-wavelength optical signal having a range of wavelengths at a particular wavelength to an electrical signal as recited in claim 45.

Tanimoto converts the signal wavelength input optical signal to an electrical signal without any converting/filtering effect.

Applicant is entitled to submit dependent claims to various modifications of the independent claim. The patentability of the dependent claims cannot be considered without regard to the independent claim. Since the independent claim is believed to distinguish from the prior art and to be patentable over the reference, so are the dependent claims.

The other references cited have been considered but it is believed that they are no more pertinent than the primary reference.

It is submitted that the application is now in allowable form and it is requested that the appeal be dismissed as moot and a Notice of Allowance be issued.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Laughlin', is written over a horizontal line.

Richard T. Laughlin
Attorney for Applicant

Reg. No. 17,264

Graham, Curtin & Sheridan

P. O. Box 1991

Morristown, New Jersey 07962
(973) 292-1700

FAX: (973) 898-0107

E-mail rlaughter@gcslaw.com